

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,  
Plaintiffs,

Case No. 10-CR-329-F  
Volume VIII of XX  
(Pages 1 through 53)

vs.

Cheyenne, Wyoming  
October 6, 2011  
8:54 a.m.

ROBERT VELASQUEZ, JR.,  
MIGUEL ANGEL ORDAZ,  
DANIEL GEORGE RENTERIA,  
ALEX GARCIA, JR.,

Defendants.

TRANSCRIPT OF TRIAL PROCEEDINGS

BEFORE THE HONORABLE NANCY D. FREUDENTHAL  
CHIEF UNITED STATES DISTRICT JUDGE

and a jury of twelve and two alternates

Court Reporter: MRS. MARGIE R. DAUSTER, RPR, CRR  
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Proceedings recorded by mechanical stenography, transcript  
produced with computer.

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(No trial exhibits entered.)

## P R O C E E D I N G S

(Trial proceedings reconvened

8:54 a.m., October 6, 2011.)

(Following out of the presence of the jury.)

THE COURT: Go ahead and be seated. Thank you.

The court has been advised that a medical emergency is facing the family of Mr. Fleener. And while we are not exactly sure how to proceed, I thought I would address this to the group and see what the schedule is and what the convenience or inconvenience of the parties would be present.

My concern is that Mr. Renteria receive a full and adequate defense in this case. I'm certainly not suggesting that Mr. Fleener is unable to do that. But if his mother's condition continues to deteriorate -- she's in surgery and is an at-risk patient at this time, having suffered a major stroke, and she has a serious heart condition top of that.

Her husband is 88 years old and is not in the best position to keep the family apprised of her circumstances. If it reaches the point, which we certainly hope it doesn't, that family is asked to gather, we may be facing a situation where, in the best interest, we would need to continue this trial and allow Mr. Fleener to join his family and address his mother's condition.

So with that as a backdrop, Mr. Fleener, is there

1 anything further that you want to bring to the attention of  
2 the parties?

3 MR. FLEENER: No, Your Honor. I think that -- I  
4 don't have any more information than I did 30 minutes ago.  
5 I know nothing more than what Your Honor said. And what  
6 Your Honor said is accurate.

7 THE COURT: And for the marshals' information, I  
8 have allowed Mr. Fleener or his legal assistant to have a  
9 cell phone in the courtroom on vibrate to allow more ready  
10 contact than what might be available through emails.

11 Mr. Fleener has been advised of the court's  
12 concerns with cell phones, and I've been assured that the  
13 court's concerns with the use of cell phones to transmit  
14 proceedings outside the courtroom is not an issue. And he's  
15 certainly an officer of the court, and I'll rely on that.

16 So at this point -- I know the government has --  
17 from my perspective, I would really like to conclude the  
18 testimony of Ms. Morgan. Past that, I don't know what the  
19 government's order of witnesses might be and how this might  
20 influence witnesses that, as an example, may either be here  
21 under custody or may have traveled to be here for the trial.

22 So Mr. Fun or Mr. Murray.

23 MR. MURRAY: Your Honor, the government agrees  
24 that, at a minimum, Ms. Morgan's testimony be concluded.  
25 Mr. Fleener has cross-examined her.

1 THE COURT: Yes. And Mr. Fleener did tell me that  
2 at this point he does not anticipate having any -- seeking a  
3 request to ask to recross.

4 MR. MURRAY: And we also have a couple of  
5 out-of-town witnesses. Mr. Dayle Sinclair and --

6 MR. FUN: Ricardo.

7 MR. MURRAY: -- Ricardo Gonzales. They are both  
8 from out of the state. And so we would take them out of  
9 order and conclude their testimony. Mr. Sullivan will  
10 testify with regard to laying the foundation for the jail  
11 calls, and Ricardo will testify with regard to his  
12 investigation in the Fresno area and his involvement with  
13 these defendants.

14 THE COURT: Is Mr. Ricardo an agent?

15 MR. MURRAY: He is a member of the Fresno Police  
16 Department, Your Honor.

17 THE COURT: Okay.

18 MR. MURRAY: Currently assigned to the task -- or  
19 the gang unit there.

20 THE COURT: All right. Thank you.

21 MR. MURRAY: And we don't believe his testimony or  
22 Mr. Sullivan's will take that long. Also, depending on how  
23 the redirect and continuing cross-examination go, there may  
24 be a very brief recall of Officer Hall, simply to establish  
25 the package, the seizure, and the like.

1 THE COURT: All right. Thank you.

2 MR. MURRAY: And that would be about it. And so  
3 with all -- Mr. Fleener should be with his family. That's  
4 the bottom line. And so if we can finish with Ms. Morgan,  
5 at a minimum, we're satisfied with that. If Mr. Fleener  
6 believes that he can be present long enough for the  
7 out-of-state witnesses, that would be fine.

8 I want to leave that call to Mr. Fleener and  
9 Mr. Renteria. If they believe that it would be better that  
10 he go be with his family and concentrate on his family, we  
11 would have no objection to delaying right after Ms. Morgan.

12 THE COURT: Thank you. Mr. Fleener.

13 MR. FLEENER: Ma'am, I -- and I appreciate the  
14 United States' concessions. I -- and I -- I apologize. I'm  
15 not thinking straight. The second witness, Mr. Gonzales.  
16 The first witness sounds just like a foundational witness.  
17 Is the second witness foundational as well, or is that --

18 THE COURT: No. The second witness is, I think, a  
19 member of the Fresno Police Department assigned to gang  
20 activity. And while the United States does not expect his  
21 testimony to be lengthy, he would not be called simply for  
22 foundational purposes.

23 MR. FLEENER: Can I have a second, please, Your  
24 Honor?

25 THE COURT: Yes. And just for clarification, at

1 this point, I believe the court's interest and what I heard  
2 from the government is to conclude Ms. Morgan and then  
3 assess -- have a -- an opportunity to assess where we are  
4 and take our queue from Mr. Fleener, in consultation with  
5 his client, as to whether we call subsequent witnesses.  
6 Mr. Horn.

7 MR. HORN: Your Honor, Mr. Fleener has asked me to  
8 tell you that he would prefer to just finish with Ms. Morgan  
9 so he can go to Salt Lake after that. These are government  
10 witnesses. I don't think it's any real rush to have to have  
11 them today.

12 I mean, I appreciate that they have to travel back.  
13 But you know what, that's life. And they're not -- they're  
14 not going overseas, not going on vacation or anything like  
15 that. So he asked me to tell you that. That he would just  
16 prefer --

17 MR. MURRAY: That's fine. That's fine. If  
18 Mr. Fleener would prefer that we -- that we continue after  
19 Ms. Morgan's testimony, then that's fine, Your Honor.

20 MR. FLEENER: My concern is -- if it was a  
21 foundational witness --

22 THE COURT: We have one foundational witness and  
23 then this police department witness.

24 MR. FLEENER: The police witness is what concerns  
25 me. Because that may have substantive cross-examination and



1 stuff, and I don't -- I'm not there.

2 THE COURT: I appreciate that. Well, why don't we  
 3 bring in the jury, call Ms. Morgan, conclude with her. We  
 4 can make a decision about whether we take the foundational  
 5 witness or not --

6 MR. FLEENER: Yes, ma'am.

7 THE COURT: -- or whether we continue at that  
 8 point. Is that -- does that sound agreeable to everyone?

9 MR. FLEENER: Yes, Your Honor.

10 THE COURT: All right. I'd ask the deputy clerk to  
 11 please bring in the jury.

12 (Following in the presence of the jury.)

13 THE COURT: We're here this morning in the  
 14 continuation of the jury trial of United States of America  
 15 versus Robert Velasquez, et al., 10-CR-329. The court notes  
 16 the presence of the jury. Good morning.

17 We are in the continuation of Melissa Morgan's  
 18 testimony. Ms. Morgan, I would remind you that you remain  
 19 under oath.

20 THE WITNESS: Yes, ma'am.

21 THE COURT: Thank you. Mr. Timbers, this witness  
 22 is yours for cross.

23 MR. TIMBERS: Morning, Ms. Morgan.

24 THE WITNESS: Morning.

25 MR. TIMBERS: I don't have any questions for you.

1 THE COURT: Good morning, Ms. Higham.

2 MS. HIGHAM: Good morning, Your Honor.

3 CROSS-EXAMINATION

4 Q. (By Ms. Higham) Good morning, Ms. Morgan.

5 A. Good morning.

6 Q. My name is Jill Higham. I'm not going to go too  
7 far into any of the issues of yesterday, but -- but I do  
8 have a few questions for you this morning.

9 During your cross-examination with Mr. Fleener, you  
10 mentioned that you -- you started dating Robert in high  
11 school?

12 A. Yes.

13 Q. You were only 17 when the two of you met?

14 A. Yes.

15 Q. Would it be fair to characterize it as kind of an  
16 off again -- on again/off again relationship?

17 A. Yes.

18 Q. Were there periods that the two of you broke up for  
19 whatever reason?

20 A. Yes.

21 Q. And then, obviously, you'd get back together.

22 A. Yes.

23 Q. Would he make promises to you that things would  
24 improve, or did he just come groveling back to rekindle the  
25 relationship? What did that look like?

A. We just wouldn't talk for a while and somehow just met up again. It kind of went both ways.

Q. And it seems like it's -- it's fair to say that you cared about him.

A. Yes.

Q. And that you perhaps even loved Robert --

A. Yes.

Q. -- during that relationship. And I couldn't help but notice, as you answered some of Mr. Fleener's questions, how raw your emotion became when -- when you talked about the volatile nature of the relationship. Is that a fair observation on my part?

A. The what?

Q. When the questions addressed some of the volatility or the abusive nature of your relationship with Robert, your emotion was pretty raw --

A. Yes.

Q. -- when you had to talk about that.

A. Yes.

Q. And I apologize. This is sensitive material. And I'm going to do my best to -- to not use language that I don't have to use.

But you have made statements, have you not, to individuals such as Mr. Hall that Robert would call you things like a stupid bitch?

1 A. Yes.

2 Q. And you had some allegations that he left bruises.

3 A. Yes.

4 Q. Is that accurate? And, again, I apologize for  
5 having to go into this territory. There was just a lot of  
6 fighting and discord going on in that relationship?

7 A. Yes.

8 Q. And when you went to Fresno on that trip when you  
9 were at the lake and visiting his family reunion, you guys  
10 were fighting quite a bit?

11 A. Yes.

12 Q. And would it -- would it be fair to say you weren't  
13 real happy on a good part of that trip?

14 A. That's correct.

15 Q. And in your disagreement and upset with Robert, you  
16 were more focused on some of that emotion than you were on  
17 being kind or hospitable to some of the people you were  
18 introduced to?

19 A. Can you rephrase that a little?

20 Q. Yeah. That was kind of a bad question. I  
21 apologize. When you were fighting with him and you had some  
22 of that raw emotion because of the nature of that trip and  
23 being upset with him, you weren't totally focused on other  
24 people that were around or people you were meeting. You  
25 were upset with Robert.

1 A. Yes.

2 Q. And without getting into more than I have to, you  
3 did -- on that trip to Fresno -- you did tell Mr. Hall at  
4 one point that during that trip, you were even punched in  
5 the face a couple times.

6 A. Yes.

7 Q. Was that your statement? Is it a fair  
8 characterization of your relationship with Robert Velasquez  
9 that it was a relationship that was often disrespectful and  
10 dishonest with you?

11 A. Yes.

12 Q. And, obviously, physical abuse is disrespectful --

13 A. Yes.

14 Q. -- would you agree? And would you agree that a lot  
15 of the things Robert told you and had you involved in were  
16 dishonest? Not just on your part, but on Robert's part.

17 A. Yes.

18 Q. He had you -- he had you execute fraudulent  
19 documents in the sales of automobiles --

20 A. Yes.

21 Q. -- with Ms. Kysar, I believe --

22 A. Yes.

23 Q. -- is that true? And he was fraudulent in his  
24 dealings with Timber?

25 A. Yes.

Q. And I'm sorry. I don't remember that individual's full name. But Timber is the person that you mentioned in your prior statement?

A. Yes.

Q. And he lied to you on a number of occasions?

A. Yes.

Q. Maybe one of the most painful lies he told you was that he wouldn't get your best friend, I believe Lisa Riggs, involved in methamphetamine.

A. Yes.

Q. He lied about his own family; is that -- one instance that you were asked about was when he -- he said let's go to Red Lodge, I think for New Year's Eve, and my brother's going to be there. And you thought that was the case, but that likely was a lie because you got to Red Lodge and no brother was there.

A. Yes.

Q. Okay. So it's safe to assume that when it comes to Robert, if we are to believe many of the experiences you've shared with us in your testimony, there's a lot of disrespect and a lot of dishonesty going on with the guy?

A. Yes.

Q. And Robert was -- he was your source of information on shipments and wire transfers?

A. Yes.

1 Q. I'm going to backtrack just a little bit. I know  
2 you answered something similar to this yesterday. But maybe  
3 the question wasn't phrased right.

4 When you were asked if Robert ever worked, you --  
5 you do remember that he had, no matter how temporary or  
6 short-lived it was, that construction job behind the  
7 hospital in Basin?

8 A. That's correct.

9 Q. Okay. And I know it maybe was for a few months.

10 A. Maybe a month.

11 Q. Okay. So it was short-lived. And I understand why  
12 that --

13 A. Yes.

14 Q. But you -- you do admit that he was employed in a  
15 construction capacity on that project behind the hospital?

16 A. Yes. That was before we got involved in the drugs.

17 Q. Okay. And you gave him rides to work --

18 A. Yes.

19 Q. -- on at least a couple of occasions?

20 A. Yes.

21 Q. Do you recall him working hauling beets, a job  
22 along those lines?

23 A. I don't recall that.

24 Q. Okay. But you do remember the construction work --

25 A. Yes.

1 Q. -- that he was doing? I know you guys were -- you  
2 got high a lot together.

3 A. Yes.

4 Q. And some things aren't as clear sometimes. You  
5 know, getting high can cloud your judgment and your  
6 recollection of things; is that correct?

7 A. I remember most things pretty clearly.

8 Q. Okay. That's just an assumption I make about drug  
9 addictions. And I don't speak from experience, so I believe  
10 your -- your impressions on that. You know what, Melissa,  
11 you've been up there for a long time. I'm going to end my  
12 questioning there.

13 MS. HIGHAM: Thank you.

14 THE WITNESS: Thank you.

15 THE COURT: Mr. Fun, do you have any redirect?

16 MR. FUN: Yes, Your Honor. May it please the  
17 court, counsel.

18 REDIRECT EXAMINATION

19 Q. (By Mr. Fun) Good morning. Ms. Morgan, I have  
20 some questions for you based upon the cross-examination of  
21 the defense attorneys. And let me just first start with  
22 Ms. Higham's questions. She asked you about Rob Velasquez  
23 working. Do you remember those questions?

24 A. Yes.

25 Q. If I understand your testimony correctly, he had a



1 job for one month?

2 A. Approximately.

3 Q. But that was before there was drug involvement?

4 A. Yes.

5 Q. So was that before April's party in 2009?

6 A. I believe so.

7 Q. And April's party was the first time that you used  
8 methamphetamine?

9 A. Yes.

10 Q. And that methamphetamine came from Robert  
11 Velasquez?

12 A. Yes.

13 Q. And Robert Velasquez had told you that that  
14 methamphetamine came from Danny Hernandez?

15 A. Yes.

16 Q. And you saw Danny Hernandez and met him at that  
17 party?

18 A. Yes.

19 Q. Ms. Higham also extended upon Mr. Fleener's  
20 questions about the abuse you suffered --

21 A. Yes.

22 Q. -- at Robert Velasquez's hands. Now, I need to ask  
23 some questions about that. When you began -- when you first  
24 met Robert Velasquez in high school, you characterized your  
25 relationship as an on-and-off-again relationship?

1 A. Yes.

2 Q. At that point were you dating Robert Velasquez  
3 steady?

4 A. For the most part. We weren't as deeply involved.

5 Q. So at what point did your relationship with Robert  
6 Velasquez change where you became more deeply involved with  
7 him?

8 A. When we got back together in 2009.

9 Q. And was that the -- was that from after April's  
10 party, or was that during New Year's?

11 And when I say New Year's, I'm referring to the Red  
12 Lodge party that you went with him to in January of 2009.

13 A. I believe the party at April's was really the  
14 beginning of our stronger relationship.

15 Q. Okay. So after he provided you with  
16 methamphetamine to use, things changed?

17 A. Yes.

18 Q. Ma'am, after that time, after April's party, is it  
19 fair to say that he beat you often?

20 A. Yes.

21 Q. Can you describe for us the circumstances of how it  
22 would come about that he would hit you?

23 A. A lot of times if I was coming down off the meth,  
24 he -- I would -- I would get upset and tired and probably a  
25 little cranky, and he would tell me I was a fucking junkie.

1 And most of those times led to him hitting me.

2 Q. Okay. Now, were there times when he would hit you  
3 when you didn't do what he told you to do?

4 A. When he didn't?

5 Q. Excuse me. That was a bad question. Were there  
6 times that he hit you when you didn't do what he asked you  
7 to do?

8 A. Yes.

9 Q. Were any of those occasions related to drug  
10 transactions?

11 A. Yes.

12 Q. Do you remember any of those?

13 A. If I didn't take him where he wanted me to take  
14 him. I can remember at least one time that he let a certain  
15 individual take my vehicle. I was left stranded at the  
16 house in Cody outside of town. He let that person take my  
17 car home to Lovell because I did not want to go. And that  
18 resulted in him hitting me, and I had to sleep in the living  
19 room on the floor with nothing.

20 Q. Now, did you hide the fact that you were being  
21 abused from your parents?

22 A. Yes.

23 Q. Why is it that you didn't report this to the  
24 police?

25 A. I was scared that if I did and he didn't get picked

1 up that it would just happen again or his family might do  
2 something. I didn't know what would happen.

3 Q. Now, after the times that he would beat you, did he  
4 provide you with methamphetamine to use?

5 A. Yes.

6 Q. Is it fair also to say that it wasn't until March  
7 of 2010, when he was arrested and in jail, that you were  
8 able to get away from him?

9 A. Yes.

10 Q. Now, ma'am, Ms. Higham also asked you some  
11 questions about the Fresno trip.

12 A. Yes.

13 Q. And there were occasions on that trip to Fresno  
14 when Robert Velasquez hit you?

15 A. Yes.

16 Q. Were there any times -- let me back up a minute.  
17 You also testified previously that you met Alex Garcia on  
18 that trip.

19 A. Yes.

20 Q. Do you remember if you met him before or after or  
21 during the reunion with Robert Velasquez's family?

22 A. After.

23 Q. Was that in Fresno?

24 A. Yes.

25 Q. The point in time that you met Alex Garcia in

1 Fresno, were you mad at Robert Velasquez?

2 A. Yes.

3 Q. Can you describe the circumstances of how Robert  
4 Velasquez introduced Alex Garcia to you in Fresno?

5 A. The first time was at a motel that Robert and I  
6 were staying in. We had been fighting, so I just had tried  
7 to go to sleep. And Alex showed up with a girl. Introduced  
8 him. But I was upset. I didn't -- I don't even remember  
9 saying hi. I just wanted to be left alone.

10 Q. Now, was that the only time that you had seen Alex  
11 Garcia?

12 A. No.

13 Q. When was the other time you had seen him?

14 A. We went to the lake the next day or a couple days  
15 later.

16 Q. And how much time do you recall spending at the  
17 lake with Alex Garcia?

18 A. Just maybe a couple of hours.

19 Q. Did you have the occasion to talk to him while you  
20 were at the lake?

21 A. Not more than a few words.

22 Q. Did you have the occasion to closely see him?

23 A. Yes.

24 Q. How close were you able to get to Alex to see him?

25 A. Within a foot or two.

1 Q. Now, was there anything distinctive about his  
2 appearance that sticks out in your mind that you're still  
3 able to remember who he is?

4 A. All of his tattoos, glasses.

5 Q. Likewise, Mr. Fleener asked you questions about  
6 seeing Noe and Isasias only a coup -- what he phrased as a  
7 couple of times. Do you remember that?

8 A. It was more than a couple.

9 Q. Right. How many times do you think you saw Noe?

10 A. Five to seven.

11 Q. How close were you able to get to Noe on any of  
12 those occasions?

13 A. Within a foot or two.

14 Q. Did have you occasion to talk to Noe?

15 A. Yes.

16 Q. I believe you also testified that after Robert was  
17 in jail, a drug deal was set up where Noe came to the house.

18 A. Yes.

19 Q. Is there any question in your mind that Noe is the  
20 same individual that you pointed out in court yesterday?

21 A. Same Noe.

22 Q. Okay. How about Isasias?

23 A. Same.

24 Q. Hondo?

25 A. Same.

1 Q. Likewise with Isasias, you -- Isasias was with Noe  
2 on many of these occasion when you went to Sheridan with  
3 Rob?

4 A. Yes.

5 Q. Is it fair to say that you also got within a few  
6 feet of him?

7 A. Yes.

8 Q. Talked to him as well?

9 A. Yes.

10 Q. Ma'am, Mr. Fleener went through extensive questions  
11 yesterday over this recorded call between you and your  
12 brother. Do you remember those questions?

13 A. Yes.

14 Q. Was it your -- what was your plan? I mean, what  
15 were you trying to do when you were talking to your brother?  
16 What was going through your mind at that time, and what is  
17 it that you planned on doing?

18 A. I just wanted a story to tell my parents to protect  
19 me and my brother for the time being until we knew how to go  
20 about explaining it to law enforcement, to Mike. It was  
21 never our intention to tell that story to Mike.

22 Q. And, in fact, you didn't tell that particular story  
23 to Mike. I mean, you didn't say that this package was Rob's  
24 package.

25 A. No.

1 Q. And you, obviously, didn't say that yesterday or  
2 today under oath to this jury.

3 A. No.

4 Q. Now, ma'am, I think it goes without saying that you  
5 have got good parents.

6 A. Yes.

7 Q. And you didn't want to hurt them.

8 A. Absolutely not.

9 Q. And you wanted some time to be able to sort out in  
10 your own mind how to explain this to them.

11 A. Yes.

12 Q. And since then, have you told them the truth?

13 A. Yes.

14 Q. Ma'am, there was also some questions about a  
15 statement that Mr. Fleener took and excised out of that  
16 recording about lining out Drayton. Do you remember that?

17 A. Yes.

18 Q. Mr. Fleener tried to allege that it was either  
19 drug-related or something of that nature. Do you remember  
20 that?

21 A. Yes.

22 Q. But he never gave you a chance to explain it. What  
23 was going on there? What was happening?

24 A. In our past, Drayton would get a little drunk and  
25 mouthy and loud, and I just didn't want to hear it. So I'd



1 call my brother, and he'd come over and line him out, just  
2 calm him down, sober him up.

3 Q. Mr. Fleener also asked about the federal letter  
4 that you received from our office, the U.S. Attorney's  
5 Office. Do you remember those questions?

6 A. Yes.

7 Q. Let me just display for you Government's Exhibit  
8 604.

9 MR. FUN: Abby, it's not coming up on this screen.

10 (Discussion off the record.)

11 Q. (By Mr. Fun) Ma'am, as Mr. Fleener was going  
12 through this letter with you, there was -- there's two  
13 aggravated assault charges?

14 A. Yes.

15 Q. And Mr. Fleener tried to indicate that that was an  
16 error; do you remember that?

17 A. Yes.

18 Q. Had you, in fact, been charged for two aggravated  
19 assaults?

20 A. Yes.

21 Q. Did it occur out of the same incident?

22 A. Exactly the same time.

23 Q. Could you please explain that.

24 A. I believe it's because there were two different  
25 victims in that circumstance.

1 Q. Tell us about the circumstance of how there were  
2 two victims. Well, let me back up. Let me ask a different  
3 question. On that part -- those -- did those two aggravated  
4 assaults occur on the same day?

5 A. Yes.

6 Q. And was it the exact same incident, just two  
7 different individuals?

8 A. Yes.

9 Q. Was Robert Velasquez involved with that?

10 A. Yes.

11 Q. Was it -- was it concerning a drug deal of some  
12 sort?

13 A. Yes.

14 Q. Explain the circumstances of how -- of what  
15 happened in that occasion then.

16 A. I was under the impression that we were supposed to  
17 be going back to the shop from our house in town. I got in  
18 the vehicle with Rob and Snuff. We were supposed to be  
19 going back to the shop. Instead, Rob asked Snuff to go the  
20 other way, and he directed Snuff to the residence of these  
21 two individuals.

22 Robert got out of the truck, and I was still in the  
23 vehicle watching. I saw Rob hit one individual and walk in  
24 the house. He was in there for a while. Snuff went in. I  
25 got nervous and scared, and I went in there and just tried

1 to get everybody to leave.

2 Q. Okay. What was Rob doing there; do you know?

3 A. When I walked in, he was dragging Joe across the  
4 floor into the kitchen, kicking him, hitting him, and then  
5 busted a coffee pot over his head.

6 Q. And you got charged for both Rob assaulting Snuff  
7 and Rob assaulting Joe?

8 A. Not Snuff. Joe and Mike.

9 Q. Joe and Mike.

10 A. Yes.

11 Q. How was that related to a drug transaction?

12 A. Robert gave Joe \$400 to go to, I believe, Riverton  
13 and pick up some meth from a source of his. Joe never got  
14 back in contact with Robert. And Robert was mad and wanted  
15 his money or the drugs. And that's how he went about trying  
16 to do it.

17 Q. And let's now look at the final charges there that  
18 Mr. Fleener asked you about. The first one, aiding and  
19 abetting distribution of methamphetamine; do you remember  
20 that particular occasion?

21 A. Yes.

22 Q. If I recall, that was relative to Lisa Riggs?

23 A. Yes.

24 Q. And that's when you drove Rob to meet with Lisa  
25 Riggs?

1 A. Yes.

2 Q. Now, at that -- when you were doing that, did you  
3 know that that's what Rob was doing?

4 A. No.

5 Q. It wasn't until you saw Lisa that that's what was  
6 happening?

7 A. That's right.

8 Q. And that count was dismissed?

9 A. Yes.

10 Q. Final count, which you've pled guilty to, ma'am,  
11 that incident -- I'm displaying Exhibit Renteria C. Count  
12 II. That incident occurred on March 29th of 2010; is that  
13 correct?

14 A. Yes.

15 Q. Okay. Ma'am, do you need a break?

16 A. I'm okay.

17 Q. That incident you previously testified about was  
18 when Rob was in jail?

19 A. Yes.

20 Q. And he set up a drug deal with Demoney -- excuse  
21 me. That was not correct. He set up a drug deal to get  
22 drugs from Snuff?

23 A. Yes.

24 Q. That was 1 ounce of cocaine?

25 A. Yes.

1 Q. And he arranged for you to be involved in that?

2 A. Yes.

3 Q. He had you obtain the drugs from Snuff?

4 A. Yes.

5 Q. And had you distribute those drugs for him?

6 A. Yes.

7 Q. Now, Rob was in jail. Why would you do that? At  
8 that point in time, were you still using drugs?

9 A. Yes.

10 Q. Were you still emotionally attached to Rob?

11 A. Yes.

12 Q. Did you have any fear of Rob or others?

13 A. Yes.

14 Q. And, again, go back to 604, ma'am. And I'll go to  
15 the second page here. Mr. Fleener asked you some questions  
16 about this part. And specifically I want to look at -- and  
17 I've circled the last -- second-to-last paragraph starting  
18 with "as previously mentioned."

19 Now, you had a chance to read this; correct?

20 A. Yes.

21 Q. And go over it with your attorney?

22 A. Yes.

23 Q. And now that it's admitted into court, could you  
24 please read what I've circled there.

25 A. As previously mentioned, the agreement not to

1 federally prosecute Ms. Morgan is express -- expressly  
2 conditioned on her guilty pleas, a sentence of 8 to 10 years  
3 of imprisonment, and her continued truthfulness and complete  
4 cooperation. In regards to the later, Ms. Morgan must  
5 provide to the United States and/or State of Wyoming a  
6 complete and truthful account of her involvement, and the  
7 involvement of all others of whom she has any knowledge  
8 whatsoever, in the crimes which are the subject of the  
9 government's investigation or any other crimes which she has  
10 knowledge consistent with full use of all said statements or  
11 information, not full use --

12 Q. Okay. That's fine, ma'am. I don't need you to  
13 read any further than that.

14 Ma'am, has this been one of the hardest things  
15 you've had to do?

16 A. Yes.

17 Q. Now, there is no question that you were addicted to  
18 methamphetamine after Rob provided you with methamphetamine.

19 A. Yes.

20 Q. So the first time you used it, did you think that  
21 you would be hooked after that?

22 A. No.

23 Q. Did you, in fact, become hooked after that first  
24 use?

25 A. Very.

1 Q. Have you since then been able to recover?

2 A. Yes.

3 Q. How were you able -- did you receive any formal or  
4 in-patient treatment for your recovery?

5 A. No.

6 Q. You did it on your own?

7 A. Yes.

8 Q. Ma'am, do you recall the questions that Mr. Fleener  
9 went through and tried to say that you were lying when you  
10 continued to use drugs while you were out on bond?

11 A. Yes.

12 Q. Were you ever asked under oath if you continued to  
13 use drugs while you were out on bond?

14 A. No.

15 Q. It wasn't until Mr. Fleener asked his questions  
16 that you were under oath?

17 A. Yes.

18 Q. And you told the truth about that?

19 A. Yes.

20 Q. Is it more accurate to say, in your mind, that you  
21 violated the court's order concerning conditions of bond?

22 A. Yes.

23 Q. Did you ever lie to the court in Park County under  
24 oath?

25 A. No.

1 Q. Now, Mr. Fleener asked you extensive questions  
2 about this package, the package concerning you and your  
3 brother that was coming from Denver. Do you remember that?

4 A. Yes.

5 Q. Were those drugs being packaged in candles?

6 A. No.

7 Q. Only the packages that came from Fresno were being  
8 packaged in candles?

9 A. Yes.

10 Q. Now, Mr. Fleener also asked you questions that  
11 tried to indicate that the -- if you didn't see it yourself,  
12 it was inaccurate. Such as if it was based on what Rob was  
13 telling you, that that was inaccurate. Do you remember  
14 those questions?

15 A. Yes.

16 Q. Okay. Now, if I recall correctly, Rob had told you  
17 these packages were coming from Fresno.

18 A. Yes.

19 Q. Did you in fact see those packages?

20 A. Yes.

21 Q. Did you in fact see them being opened?

22 A. I only remember seeing the empty packages.

23 Q. Do you remember getting methamphetamine from those  
24 packages from Rob?

25 A. Yes.



1 Q. Do you remember any occasions -- I think you  
2 previously testified to this -- that you were in Sheridan at  
3 times with Rob?

4 A. Yes.

5 Q. And a package arrived there?

6 A. Yes.

7 Q. And you obtained methamphetamine from Rob from that  
8 package?

9 A. Yes.

10 Q. And that was when Rob was with Noe and Isasias?

11 A. Yes.

12 Q. Ma'am, Mr. Fleener asked you some questions about  
13 your job at the nursing home.

14 A. Yes.

15 Q. I think you indicated that you worked there from  
16 January to October of 2009.

17 A. Yes.

18 Q. And you left the nursing home?

19 A. Yes.

20 Q. Did you leave voluntarily?

21 A. Yes.

22 Q. Were you fired?

23 A. No.

24 Q. I think you testified that you left because at that  
25 point, you knew that because of the addiction, you

1     couldn't -- you believed you couldn't do your job.

2           A.     Yes.

3           Q.     At that point in time, were you -- did you then  
4     begin helping -- well, let me rephrase the question.

5                     While you were working at the nursing home, I think  
6     you also testified that you were -- it was wearing you out  
7     because you were working there. But then you would come  
8     home, and then you'd have to take Rob places.

9           A.     Yes.

10          Q.     And you had to take him to distribute drugs?

11          A.     Yes.

12          Q.     And pick up money?

13          A.     Yes.

14          Q.     And so you were getting very little rest?

15          A.     Yes.

16          Q.     And Rob was also giving you methamphetamine to use?

17          A.     Yes.

18          Q.     Now, ma'am, is it accurate to say that when Rob was  
19     giving you the methamphetamine, he would either put a line  
20     out for you or load the pipe for you to smoke?

21          A.     Yes.

22          Q.     And he would also use while you used at the same  
23     time?

24          A.     Yes.

25          Q.     Now, ma'am, Mr. Fleener also tried to indicate that

1 you lied about the marijuana that was found -- that your  
2 mother found in your room. Remember those questions?

3 A. Yes.

4 Q. After the marijuana was found, did you tell your  
5 mom that it was yours?

6 A. Yes.

7 Q. You didn't lie to her about it?

8 A. No.

9 Q. Ma'am, Mr. Fleener also asked you if you felt that  
10 you were more involved with your brother in the distribution  
11 of drugs than with Rob Velasquez.

12 A. Yes.

13 Q. But it's true that you did help Robert Velasquez  
14 distribute drugs?

15 A. I drove him places.

16 Q. And pick up money -- take him to pick up money?

17 A. Yes.

18 Q. And when he went to jail, you were involved with  
19 the Snuff cocaine and distributing that to Demoney?

20 A. Yes.

21 Q. That was at his direction?

22 A. Yes.

23 Q. And you wired money to Alex Garcia in Fresno?

24 A. Yes.

25 Q. And that was for drugs?

1 A. Yes.

2 Q. And drugs were returned after that money was wired?

3 A. Yes.

4 Q. Within a few days?

5 A. Yes.

6 Q. And that was, again, at the direction of Robert  
7 Velasquez?

8 A. Yes.

9 Q. And your involvement not only with the cocaine  
10 offense but with the aggravated assault was also with Robert  
11 Velasquez?

12 A. Yes.

13 Q. As well as going to Fresno with him?

14 A. Yes.

15 Q. Is it fair to say that you wouldn't have -- well,  
16 withdraw that question.

17 I want to now just turn to -- specifically to the  
18 transaction involving Noe. And that was when Robert  
19 Velasquez was in jail?

20 A. Yes.

21 Q. Do you recall how much methamphetamine Noe brought  
22 to you and your brother?

23 A. I believe it was an ounce.

24 Q. Do you know why Noe was bringing the  
25 methamphetamine to you and your brother?

1 A. He said it was to help us out with money and to  
2 help Robert out with money.

3 Q. Had you had any conversations with Robert prior to  
4 Noe showing up with that 1 ounce of methamphetamine?

5 A. Yes.

6 Q. Were those conversations about methamphetamine?

7 A. Yes.

8 Q. What is it that Robert said?

9 A. To get ahold of his boy.

10 Q. And who did you understand "his boy" to mean?

11 A. Noe.

12 MR. FUN: Thank you. I have nothing further.

13 THE COURT: Thank you, Mr. Fun. Any recross?

14 MR. HORN: Thank you, Your Honor. It will be very  
15 brief.

16 RECROSS-EXAMINATION

17 Q. (By Mr. Horn) Did you write letters to  
18 Mr. Velasquez while he was in jail?

19 A. Yes.

20 Q. How often did you write letters, if you recall?

21 A. Quite often. Every other day.

22 Q. Okay. And did you go visit him in jail as well?

23 A. No.

24 Q. Did you talk to him on the phone?

25 A. Yes.

1 Q. Daily?

2 A. Yes.

3 Q. And was there a time with you and Mr. Velasquez  
4 that you had talked -- each of you talked about the  
5 possibility of getting married?

6 A. Yes.

7 Q. And did you actually obtain a marriage certificate  
8 at the courthouse?

9 A. Yes.

10 Q. And was it ever actually filed?

11 A. I don't believe so.

12 Q. Well, in terms -- okay. You answered the question.  
13 So there was no marriage that actually took place?

14 A. No.

15 MR. HORN: Can I have a moment with my client, Your  
16 Honor?

17 THE COURT: Yes.

18 MR. HORN: Nothing further, Your Honor.

19 THE COURT: Thank you. Mr. Fleener?

20 MR. FLEENER: Can I have a minute, Judge?

21 THE COURT: Yes.

22 MR. FLEENER: On behalf of Mr. Renteria, we have no  
23 questions. Thank you, Your Honor.

24 THE COURT: Thank you. Mr. Timbers?

25 MR. TIMBERS: Nothing from Mr. Ordaz. Thank you.

1 THE COURT: All right. Thank you.

2 MS. HIGHAM: I'm sorry, Your Honor. Nothing from  
3 Mr. Garcia either.

4 THE COURT: Thank you. Ms. Morgan, the court very  
5 much appreciates your testimony over the last several days.  
6 And you're excused and released from your subpoena.

7 THE WITNESS: Thank you.

8 THE COURT: Thank you.

9 (Witness excused.)

10 THE COURT: The government may call its next  
11 witness.

12 MR. FUN: Thank you, Your Honor. I'd like to call  
13 Dayle Sinclair.

14 MR. HORN: Judge, I -- I understood we had --

15 THE COURT: If we could do a --

16 MR. HORN: I'm sorry. Sidebar.

17 THE COURT: -- sidebar.

18 (Following out of the presence of the jury.)

19 THE COURT: Mr. Horn, this is the foundational  
20 witness.

21 MR. HORN: Oh.

22 THE COURT: It's my understanding Mr. Fleener has  
23 no concerns with the government calling this one  
24 foundational witness. And then we'll break and recess after  
25 that.

1 MR. FLEENER: That's fine, Judge.

2 MR. HORN: That was not my recollection, Judge,  
3 when Mr. Murray came up to the stand when I was there.  
4 So -- that's fine. If Mr. Fleener says it's okay, it's  
5 okay.

6 THE COURT: It's probably my confusion.

7 MR. HORN: That's all right.

8 MR. MURRAY: Your Honor, our position was that it's  
9 up to Mr. Fleener, however he --

10 MR. FLEENER: I appreciate everybody's concerns.  
11 I'm ready to go.

12 THE COURT: All right. Thank you.

13 MR. HORN: Thank you, Judge.

14 (Following in the presence of the jury.)

15 MR. FUN: Mr. Sinclair, please come forward so you  
16 can be sworn. And please just stand right up here, sir.

17 (Witness sworn.)

18 THE CLERK: Please take a seat. State and spell  
19 your name for the record.

20 DAYLE SINCLAIR,  
21 having been first duly sworn, was examined and testified as  
22 follows:

23 DIRECT EXAMINATION

24 Q. (By Mr. Fun) Sir, could you please state and spell  
25 your name for the record.



1 A. Dayle Sinclair.

2 Q. Mr. Sinclair, where are you employed?

3 A. Securus Technologies.

4 Q. And how long have you been employed with Securus  
5 Technologies?

6 A. Nine years.

7 Q. In what capacity are you employed with Securus?

8 A. I am a field service technician that works on  
9 inmate phone systems.

10 Q. Could you please explain the phone -- the inmate  
11 phone system?

12 A. Every phone call out of a jail that's in an inmate  
13 pod is recorded. We are able to monitor that -- those phone  
14 calls. We record them. We retain them for however long the  
15 facility requests.

16 Q. Okay. Now, in this particular occasion, are you  
17 the representative and field service technician for Wyoming?

18 A. I am the field service technician for the vast  
19 majority of Wyoming, Park County in particular.

20 Q. All right. Now, tell us about the system that's  
21 installed at Park County.

22 A. The system is called a CAM. It's Called Access  
23 Manager system. That is a local looped system which  
24 allows -- there is no interaction between the outside world  
25 and the -- and the CAM system -- recording system.

1           So what it does is it -- we don't -- we don't put  
2 anything out on the Internet, or there's no way to access  
3 this system other than locally, either through the  
4 detectives or the jail commander.

5           Q.     Okay. Now, can you explain to us what happens when  
6 an inmate makes a phone call?

7           A.     When an inmate picks up a phone, there is a prompt  
8 in there that gives them the option for English, Spanish, or  
9 a variety of other languages, letting them know what the  
10 process is, how to make a collect call, how to make a debit  
11 call. That this call is subject to recording and  
12 monitoring.

13           They would place the number in -- that they want to  
14 call to either a friend or family member. Then the call is  
15 validated, so we check for different -- you know, whether  
16 that call has been blocked, whether it is billable, whether  
17 it's a prepaid card, whether it's a free call, attorney  
18 call. So we can go through all of that process while  
19 they're waiting.

20           When the friend or family member pick up the phone,  
21 they're notified that they're receiving a collect call or a  
22 call from an inmate from whatever facility they're in. This  
23 gives them the ability then to accept the call, block the  
24 call. And once they accept the call, it's notified that  
25 this call is subject to recording and monitoring as well.

1 Q. Now, can -- do you know if friends or family can  
2 call in to the jail?

3 A. No.

4 Q. So only an inmate can call out?

5 A. Correct.

6 Q. Who pays for the calls that the inmate is making to  
7 friends or family? Excuse me. Who pays for the call that  
8 the inmate makes to friends or family?

9 A. I'm sorry. I still -- I still can't hear you.

10 Q. Who pays for the calls?

11 A. Who pays for the call? It depends on what type of  
12 call. If it is a collect call, then the friends and family  
13 member, they pay for the call. If it's a pre-paid card  
14 called in, the inmate has purchased a card or a friend or  
15 family member has purchased a card and given that to the  
16 inmate.

17 Q. Do you know when this CAM system was installed at  
18 Park County?

19 A. It would have been installed in June of 2006.

20 Q. Who installed it?

21 A. I did.

22 Q. Since your installation of the CAM system at Park  
23 County, have you been the field service rep for Park County?

24 A. Yes.

25 Q. Have there been any problems with that system at

1 Park County?

2 A. No.

3 Q. How do you know that?

4 A. I went through the service records before I came  
5 down to Cheyenne just to verify. Plus, I know that I -- I  
6 would have worked on the system. But we haven't had any  
7 recording failures, any hard drive failure, any system  
8 failure on the platform side.

9 There have been, of course, some handsets and  
10 things like that that we replace occasionally due to damage.  
11 But there has not been any service other than preventive  
12 maintenance, which we normally do. But there hasn't been  
13 any failure on that system at all.

14 Q. If there had been a failure, would you have been  
15 notified?

16 A. Yes.

17 Q. Now, does this CAM system accurately record the  
18 conversation between the inmate and the person that they're  
19 calling?

20 A. Correct.

21 Q. If there was a problem with that recording or any  
22 particular recording, would there be some kind of system  
23 malfunction or some kind of notification?

24 A. Yes.

25 Q. What kind of notification would be made?

1 A. Either the facility would have called us and let us  
2 know that there was an issue going on. We would have opened  
3 up a service ticket and been able to track that to make  
4 sure. Plus, when I do preventive maintenance for the site,  
5 we go through the call logs and make sure that -- that  
6 there's no issues been recorded or no issues that have been  
7 detected in the system.

8 Q. In this case there weren't any?

9 A. No.

10 MR. FUN: Just a moment, Your Honor.

11 THE COURT: Thank you.

12 MR. FUN: Thank you, sir. I don't have any further  
13 questions at this time.

14 CROSS-EXAMINATION

15 Q. (By Mr. Horn) Sir, is there a sharing -- is there  
16 a sharing of the revenue from the calls that's given either  
17 to the sheriff of Park County or to the Park County -- in  
18 its corporate name, so to speak?

19 In other words, do they get any money? Does the  
20 jail or the county get any money?

21 A. There is a commission that is paid to the county.

22 Q. Okay. Do you know about what that is?

23 A. I don't, sir. I'm not the account manager for  
24 that -- for that site.

25 MR. HORN: That's all I have, Your Honor. Thank

1 you.

2 CROSS-EXAMINATION

3 Q. (By Mr. Timbers) You mentioned -- you mentioned  
4 that if there's any malfunctions, you -- you make a log of  
5 it.

6 A. I'm sorry, sir.

7 Q. You mentioned if there's any malfunctions, you make  
8 a particular log of it.

9 A. My company does, yes.

10 Q. Okay. And that would be on some sort of instrument  
11 log or on some sort of machine log? Where would that be?

12 A. It would be -- for the system itself, it would be  
13 on the system, what we can -- that we can check either  
14 remotely and/or on site. As far as our heat ticket system,  
15 that is down in Dallas, Texas.

16 Q. Okay. And do you have -- and you've looked at the  
17 records with regard to the Park County, I guess, machine or  
18 computer system, and there are no malfunctions; correct?

19 A. Other than just the general handset replacement or  
20 dial pad that we do within the pods. But as far as the  
21 system itself, except for the normal preventive maintenance  
22 that we do, there has not been a failure on that system.

23 MR. TIMBERS: Thank you very much, sir.

24 MS. HIGHAM: I have no questions.

25 THE COURT: Thank you. Mr. Fleener, any questions?

1 MR. FLEENER: Can I just have a minute, please,  
2 Judge?

3 THE COURT: Yes.

4 MR. FLEENER: No questions, Your Honor. Thank you.

5 THE COURT: Any redirect, Mr. Fun?

6 MR. FUN: Nothing further, Your Honor. Thank you.

7 THE COURT: Thank you, Mr. Sinclair. We appreciate  
8 your testimony. You're excused and released.

9 (Witness excused.)

10 THE COURT: Members of the jury, at this time we  
11 will recess for the week. We have a member of the defense  
12 team that is facing a very serious family medical emergency  
13 which may result in the loss of a parent.

14 We certainly want to make sure that the defense  
15 counsel, as well as the counsel for the government, is here  
16 representing the interests of their clients to their full  
17 ability. Under these circumstances, all things considered,  
18 everyone believes it's in the best interest of justice to  
19 recess today and continue this trial to commence on Tuesday.

20 We appreciate your patience and tolerance with this  
21 situation. I know if you were in the same position that you  
22 would hope similar consideration could be given. The court  
23 does have a full schedule Tuesday morning.

24 Is that correct, Abby?

25 THE CLERK: It is correct.

1 THE COURT: We'll try to move those matters that I  
2 had previously set for Tuesday morning to complete my  
3 calendar for the rest of this week.

4 And so I would ask that the jury be back ready to  
5 report at 8:30 in the morning. I must say, though, that  
6 things are a bit up in the air. We hope to be available to  
7 start this trial again Tuesday morning. But if we still  
8 are missing a member of the defense team, we may end up  
9 calling you in and continuing it at that point.

10 But hopefully we'll know more over the course of  
11 the next day, through the weekend. And Monday, of course,  
12 is a federal holiday.

13 So thank you very much for your attention this  
14 week. Please pay special attention to the admon --  
15 Mr. Horn?

16 MR. HORN: Judge, I'm familiar with some of the  
17 procedures. Perhaps we could have a sidebar.

18 THE COURT: All right. We'll be interrupted for a  
19 moment.

20 (Following out of the presence of the jury.)

21 MR. HORN: Judge, given the fact we don't know how  
22 Mr. Fleener's mother is going to be coming out of her  
23 surgery, I -- I would suggest we maybe use the jury system  
24 where you can call in and they could be left a message on  
25 that rather than having them come in on Tuesday.



1 I think that's what they -- I have -- they have had  
2 that in the past, where you just dial in to a number and you  
3 get a recording.

4 THE COURT: Abby? The suggestion has been made  
5 that we use the system administered by Johnna where the  
6 jurors call on whether to report.

7 THE CLERK: Okay.

8 THE COURT: Do you think that that's agreeable?

9 THE CLERK: I believe we can set that up, yeah. I  
10 was actually just informed that Judge Johnson has set a  
11 sentencing for Ms. Higham.

12 MS. HIGHAM: Tuesday morning thinking that you were  
13 going to be tied up. And I think that would probably be the  
14 best system, to work out a schedule and have them call in.

15 THE COURT: All right.

16 MS. HIGHAM: It is actually a change of plea at  
17 8:30. I don't expect it -- I'll do whatever the court needs  
18 me to do.

19 THE COURT: We'll use the juror call-in system.  
20 They're familiar with that. Is that agreeable to the  
21 government?

22 MR. FUN: Yes.

23 THE COURT: Thank you.

24 (Following in the presence of the jury.)

25 THE COURT: Thank you for that interruption.

1 Counsel has suggested, and I think it is a good suggestion  
2 to, under the circumstances and considering the unknowns, to  
3 utilize the juror call-in system so that you'll be using  
4 that system, the juror call-in system that was -- had been  
5 previously set up for you to call on whether you needed to  
6 report. And that way we'll be able to advise you of the  
7 time and day for reporting. It may not be Tuesday at 8:30  
8 is the bottom line of that.

9 And, again, I regret the uncertainties. But I  
10 believe under the circumstances, that would save an  
11 inconvenience for you if -- if we're not ready to start at  
12 8:30 Tuesday morning and would accommodate the interests of  
13 the family involved in this medical emergency.

14 Is there anything further that needs to come to the  
15 attention of the court with the jury here?

16 MR. FUN: Nothing from the United States, Your  
17 Honor.

18 THE COURT: Thank you, Mr. Fun.

19 MS. HIGHAM: Nothing from the defense, Your Honor.

20 MR. TIMBERS: Nothing from Mr. Ordaz?

21 MR. HORN: Nothing from Mr. Velasquez.

22 THE COURT: And let me again retrieve my thought.  
23 I was going to -- again, I'm sure you were anticipating my  
24 admonishment to not discuss this case with anyone. Please,  
25 given the length of the continuance, don't inadvertently

1 expose yourself to reading or hearing anything about the  
2 course of this trial through news broadcast. Don't research  
3 anything about this case, the facts of the case or any of  
4 the individuals involved in the case.

5 And as always, please keep an open mind throughout  
6 the entire course of the case until the case is closed and  
7 the case is ready and presented to you for your  
8 deliberations.

9 Thank you for your time and patience. We stand in  
10 recess until call.

11 (Following out of the presence of the jury.)

12 THE COURT: Back on the record. Is there anything  
13 that the court needs to attend to before we recess for the  
14 week until call?

15 MR. FUN: Nothing from the United States, Your  
16 Honor.

17 THE COURT: Thank you.

18 MR. FLEENER: Your Honor, I will get a number from  
19 the clerk's office and keep the clerk apprised of what's  
20 going on. I'm hopeful that I'll know, either good or bad,  
21 in the next two days. And, you know, if I know good, then  
22 we can go -- I'll let everyone know, hopefully, tomorrow.  
23 Because she should be out of surgery today. And if it's  
24 bad, I'll let everyone know that too, and then we'll figure  
25 something out. I'll coordinate with Abby.

1 THE COURT: Please know you have everyone's --

2 MR. FLEENER: Thank you, Your Honor.

3 THE COURT: -- thoughts and prayers.

4 MR. FLEENER: I appreciate that. Thank you. And  
5 appreciate the United States in this matter.

6 THE COURT: Hearing nothing further, we'll stand in  
7 recess until call.

8 (Trial proceedings recessed

9 10:11 a.m., October 7, 2011.)

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## C E R T I F I C A T E

I, MARGIE R. DAUSTER, Deputy Official Court Reporter for the United States District Court for the District of Wyoming, Registered Professional Reporter, and a Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein on the aforementioned subject on the date herein set forth, and that the foregoing pages constitute a full, true and correct transcript.

Dated this 31st day of December, 2011.

*/s/ Margie R. Dauster*

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MARGIE R. DAUSTER  
Deputy Official Court Reporter  
Registered Professional Reporter  
Certified Realtime Reporter